

# MONTANA ADMINISTRATIVE PROCEDURES ACT

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## 1. Types of Activities

Whenever a statute requires a license or permit decision to be preceded by a hearing, the contested case<sup>1</sup> provisions of the Montana Administrative Procedures Act (MAPA) apply.

Statute: 2-4-601, *et seq.*, MCA

Rule: ARM 1.3.101, *et seq.*

## 2. MAPA Procedures

In a contested case, all parties must be given an opportunity for a hearing after reasonable notice. The notice must include the reason for and details of the meeting. Parties are entitled to be represented by an attorney. If formal hearing procedures are followed, the rules of discovery and evidence, right to cross-examine witnesses, rules of privilege, etc., will apply except as otherwise provided by the statute. If all parties agree, less formal procedures may be followed. A hearing officer may be appointed to make findings and recommendations to the agency decisionmakers. A transcript of the hearing will be made available upon request. Within 30 days after the agency's final decision, an aggrieved party may appeal the decision to District Court.

Statute: 2-4-601, *et seq.* and 2-4-702(2)(a), MCA

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<sup>1</sup> Contested case means a proceeding before an agency in which a determination of legal rights, duties, or privileges of a party is required by law to be made after an opportunity for hearing. The term includes but is not restricted to ratemaking, price fixing and licensing. (Section 2.4.102, MCA)